



Sen. John J. Cullerton

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09800HB4576sam002

LRB098 18016 MGM 62874 a

1 AMENDMENT TO HOUSE BILL 4576

2 AMENDMENT NO. _____. Amend House Bill 4576, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Election Code is amended by adding Section
6 7-68 and changing Section 25-5 as follows:

7 (10 ILCS 5/7-68 new)

8 Sec. 7-68. Nominations for special election for Attorney
9 General, Secretary of State, Comptroller, or Treasurer.

10 (a) Whenever a special election for the office of Attorney
11 General, Secretary of State, Comptroller, or Treasurer is to be
12 held pursuant to Section 25-5 of this Code, nominations shall
13 be made and any vacancy in nomination shall be filled pursuant
14 to this Section.

15 (1) If the vacancy in office or failure to qualify for
16 the office occurs before the first date provided in Section

1 7-12 for filing nomination papers for the primary in the
2 next even-numbered year following the commencement of the
3 term, the nominations for the special election shall be
4 made as otherwise provided in this Article 7. The
5 nomination for the office to be filled by special election
6 shall appear on the regular ballot at the primary election,
7 and shall not require the use of a separate ballot.

8 (2) If the vacancy in office or failure to qualify
9 occurs on or after the first day provided in Section 7-12
10 for filing nomination papers for the primary in the next
11 even-numbered year following the commencement of the term,
12 a vacancy in nomination shall be deemed to have occurred
13 and the State central committee of each established
14 political party shall nominate, by resolution, a candidate
15 to fill such vacancy in nomination for the election to such
16 office at such general election.

17 The resolution to fill the vacancy in nomination shall
18 include the following information:

19 (A) the names of the original office holder and the
20 office;

21 (B) the date on which the vacancy in nomination
22 occurred;

23 (C) the name and address of the nominee selected to
24 fill the vacancy in nomination and the date of
25 selection.

26 The resolution to fill the vacancy in nomination shall

1 be accompanied by a Statement of Candidacy, as prescribed
2 in Section 7-10, completed by the selected nominee and a
3 receipt indicating that such nominee has filed a statement
4 of economic interests as required by the Illinois
5 Governmental Ethics Act.

6 (b) Any vacancy in nomination occurring on or after the
7 primary and prior to certification must be filled prior to the
8 date of certification. Any vacancy in nomination occurring
9 after certification but prior to 15 days before the general
10 election shall be filled within 8 days after the event creating
11 the vacancy in nomination.

12 (c) The provisions of Sections 10-8 through 10-10.1
13 relating to objections to nomination papers, hearings on
14 objections and judicial review, shall also apply to and govern
15 objections to nomination papers and resolutions for filling
16 vacancies in nomination filed pursuant to this Section.

17 (d) Unless otherwise specified herein, the nomination and
18 special election provided for in this Section shall be governed
19 by this Code.

20 (10 ILCS 5/25-5) (from Ch. 46, par. 25-5)

21 Sec. 25-5. In accordance with Section 7 of Article V of the
22 Illinois Constitution of 1970, if the Attorney General,
23 Secretary of State, Comptroller, or Treasurer fails to qualify,
24 or if his or her office becomes vacant, the Governor shall fill
25 the office by appointment. If there are 28 months or less

1 remaining in the term at the time of the vacancy or failure to
2 qualify, the appointed officer shall serve for the remainder of
3 the term. If there are more than 28 months remaining in the
4 term at the time of the vacancy or failure to qualify, the
5 office shall be filled by a special election to be held at the
6 next general election. In the case of a special election
7 pursuant to this Section, the appointed officer shall serve
8 until the election results are certified and the person elected
9 at the special election is qualified. Nominations shall be made
10 in accordance with Section 7-68 of this Code. For purposes of
11 this Section, a special election shall not be held if the
12 person elected to the office failed to qualify for a period of
13 less than 30 calendar days. The office to be filled by special
14 election shall appear on the regular ballot at the general
15 election, and shall not require the use of a separate ballot.
16 ~~When a vacancy shall occur in the office of Secretary of State,~~
17 ~~State Comptroller, Treasurer or Attorney General, the Governor~~
18 ~~shall fill the same by appointment, and the appointee shall~~
19 ~~hold his office during the remainder of the term, and until his~~
20 ~~successor is elected and qualified.~~

21 (Source: P.A. 78-592.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."